

# KING & SPALDING

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January 27, 2015

**VIA E-MAIL TRANSMISSION  
AND ECF FILING**

The Honorable Robert E. Gerber  
United States Bankruptcy Judge  
United States Bankruptcy Court  
Southern District of New York  
Alexander Hamilton Custom House  
One Bowling Green  
New York, New York 10004

**Re: In re Motors Liquidation Company, et al.  
Case No. 09-50026 (REG)**

**Letter Pursuant to January 13, 2015 Administrative  
Order Re Oral Argument and Related Matters**

Dear Judge Gerber:

King & Spalding LLP is co-counsel with Kirkland & Ellis LLP for General Motors LLC (“New GM”) in the above-referenced matter. In connection with its pending Motions to Enforce the Sale Order and Injunction, New GM, on behalf of itself and on behalf of Designated Counsel and counsel for the GUC Trust (each of whom is copied on this correspondence), submits this letter in accordance with Paragraph 2 of the *Administrative Order Re Oral Argument and Related Matters*, entered on January 13, 2015 [Dkt. No. 13044], which provides as follows: “New GM, Designated Counsel and GUC Trust Counsel are . . . to confer and submit a joint recommendation to the Court on a sequence for oral argument and time allocations for each. The joint recommendation is to be submitted by letter, emailed . . . or delivered by hand and also filed on ECF, so as to be received by the Court’s Chambers no later than noon on Tuesday, January 27.”

Counsel for New GM, Designated Counsel and counsel for the GUC Trust have met and conferred on the sequence for oral argument and time allocations for each party, and jointly recommend the following:

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**A. Due Process / Remedy / Old GM Claim Threshold Issues**

The following would constitute the sequence for oral argument and the time allocation for each party:

- (1) New GM opening argument - 1 hour 30 minutes,
- (2) Designated Counsel response – 1 hour 15 minutes,
- (3) Designated Counsel for Pre-Closing Accident Plaintiffs response - 15 minutes,
- (4) GUC Trust/Unitholders response (the GUC Trust will present the argument on behalf of itself and the Unitholders) - 40 minutes,
- (5) New GM reply - 30 minutes, and
- (6) Designated Counsel sur-reply, *only if permitted by the Court* – 15 minutes.

It is anticipated that this portion of the oral argument would run to approximately 3:35 p.m. on Wednesday, February 4, 2015.<sup>1</sup>

**B. Equitable Mootness Threshold Issue (To Begin After “A” Above)**

- (1) GUC Trust/Unitholders opening (the Unitholders will present the argument on behalf of themselves and the GUC Trust)- 30 minutes,
- (2) Designated Counsel response - 15 minutes,
- (3) New GM response - 10 minutes, and
- (4) Unitholders reply - 10 minutes.

It is anticipated that this portion of the oral argument would be completed by approximately 5:00 p.m. on Wednesday, February 4, 2015.

With respect to the legal standard for the “Fraud on the Court” issue, counsel for New GM, Designated Counsel and counsel for the GUC Trust believe that no oral argument is necessary and would rest on their papers.<sup>2</sup>

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<sup>1</sup> The parties agree that the lunch break should not interfere with any party’s presentation. The parties leave it to the Court to determine whether the lunch break should occur after New GM’s opening argument, or after Designated Counsel’s response. Designated Counsel request that the lunch break come prior to Designated Counsel’s response.

<sup>2</sup> It is New GM’s understanding that counsel for the Unitholders and Designated Counsel for the Pre-Closing Accident Plaintiffs consent to the schedule set forth herein. New GM understands that counsel for the Groman

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Counsel for New GM, Designated Counsel and counsel for the GUC Trust respectfully request that the foregoing sequence of arguments and time allocations be approved and authorized by the Court. If approved, counsel for New GM, Designated Counsel and counsel for the GUC believe that the oral argument on the Four Threshold Issues can be completed on February 4, 2015, and that the Court will not need to set aside any time for oral argument on February 5, 2015.

Respectfully submitted,

*/s/ Arthur Steinberg*

Arthur Steinberg

cc: Richard C. Godfrey, P.C.  
Andrew B. Bloomer, P.C.  
Edward S. Weisfelner  
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Keith Martorana  
Daniel Golden  
Deborah J. Newman  
Jamison Diehl  
William P. Weintraub  
Eamonn O'Hagan  
Gregory W. Fox

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Plaintiffs have filed a letter with the Court requesting an allotment of 10 minutes to address the Court on non-redundant, material points if counsel for the Groman Plaintiffs believe that their points have not been adequately addressed by other parties. If the Court grants the Groman Plaintiffs' request, Counsel for New GM, Designated Counsel and counsel for the GUC Trust reserve their rights to respond to the Groman Plaintiffs' arguments.